

2023 Country Report on Human Rights Practices: Burundi

EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Burundi in the past year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; enforced disappearance; torture and cruel, inhuman, or degrading treatment or punishment by or on behalf of the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; political prisoners or detainees; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; serious restrictions on freedom of expression and media, including violence or threats of violence against journalists, censorship, and the use of criminal libel laws to limit expression; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; restrictions on freedom of movement and residence; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; extensive gender-based violence, including but not limited to domestic and intimate partner violence, sexual violence, child, early and forced marriage, and other forms of such violence; laws criminalizing consensual same-sex sexual conduct between adults that were enforced; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and significant restrictions on workers' freedom of association.

The government did not take significant credible steps to identify, investigate, prosecute, and punish officials and members of the ruling party, the National Council for the Defense of Democracy – Forces for the Defense of Democracy, who may have committed human rights abuses. Observers, however, continued to report intimidation and violence by members of state security forces and their proxies throughout the year. Impunity for government and ruling party officials and for their supporters and proxies remained a problem.

Some members of the Imbonerakure, the youth wing of the ruling party, were involved in or responsible for human rights abuses. Although they had no official arrest authority, they routinely assumed the role of state security agents and detained and turned over individuals to the official security services, in some cases after committing human rights abuses. The government investigated and prosecuted some alleged abuses by the Imbonerakure, although it did not do so consistently.

Section 1.

Respect for the Integrity of the Person

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

There were numerous reports that the government or its agents, including police, the National Intelligence Service (SNR), and elements of the Imbonerakure, committed arbitrary or unlawful killings, often against perceived supporters of opposition parties or those who exercised their lawful rights. The nongovernmental organization (NGO) Ligue Iteka, which was banned in 2017, continued operating from outside the country and documented 284 killings by the end of August, as compared with 232 the previous year. Ligue Iteka and other human rights groups differed on the number of killings for which agents of the state or ruling party were likely responsible. The government's restrictions on UN human rights monitors and NGOs and refusal to allow international human rights bodies authorization to enter the country made it difficult to determine responsibility for arbitrary killings or exact statistics. Security risks for local activists, witnesses, and victims also posed obstacles. Some investigations and prosecutions of government officials and members of the ruling party who allegedly committed arbitrary or unlawful killings occurred.

Media reported bodies bearing signs of violence were found in public places. Local authorities often buried them even if they were unable to identify the deceased and without investigating the cause of death and possible perpetrators, citing health risks to the local population due to a lack of mortuary facilities or ability to preserve the bodies. This made it more difficult for human rights organizations to document and differentiate between cases of human rights abuses and cases constituting ordinary criminal offenses. International human rights groups reported bodies continued to be discovered regularly in different parts of the country, especially in Cibitoke Province, which borders the Democratic Republic of the Congo (DRC). According to Ligue Iteka, 92 bodies were found in Cibitoke between January and August, down from 113 the previous year. In addition, human rights organizations reported numerous cases of disappearances, and it was difficult to determine how many of these were cases of enforced disappearance or killings by or on behalf of the government. Some victims were found dead a few days after their disappearances with injuries indicating they had been executed.

On June 5, the NGO Action by Christians for the Abolition of Torture (ACAT-Burundi), which was banned in the country in 2017, reported that a group of Imbonerakure beat and killed Salvator Mboneye, a member of the main opposition party, the National Congress for Freedom (CNL), in Ruharo Commune, Rutana Province. The report indicated that the group accused Salvator of stealing beans from a National Council for the Defense of Democracy – Forces for the Defense of Democracy (CNDD-FDD) member's farm. One of the alleged perpetrators was arrested but then released the following day without any charges.

B. DISAPPEARANCE

There were numerous reports that individuals were victims of politically motivated disappearances after they were detained by elements of the security forces or after kidnappings where the identities of the perpetrators were not clear.

The NGOs Ligue Iteka, Forum for Awareness and Development (FOCODE), and SOS Torture Burundi reported disappearances, which were sometimes later determined to be killings when victims' bodies were discovered. A victim's last sighting was often at the time of abduction by the Imbonerakure, police, or the SNR. NGOs and media reported persons suspected of collaborating with armed rebel groups, members of the CNL, and former members of the army were victims of enforced disappearances. As of August 30, Ligue Iteka documented 16 cases of disappearances, compared with 56 in the previous year. It linked one disappearance to the Imbonerakure, two to police, four to the SNR, two to local administrators, and seven to unidentified actors. In its August report, FOCODE reported statistics likely considerably underreported the true number of disappearances, as many victims' families were either unaware of the victim's disappearance or remained silent due to fear of reprisal.

According to international and local human rights organizations, the SNR, security forces, and the Imbonerakure forcibly disappeared real or perceived political opponents. In addition, media reported cases of the Imbonerakure and other members of the ruling party being punished for refusing to participate in the party's activities. According to FOCODE, some of the missing persons

later reappeared. This usually occurred in cases where relatives alerted NGOs of their disappearance. Other missing persons were found in prisons, awaiting trial.

In July, during the review of the human rights situation in Burundi in Geneva, the UN Human Rights Committee noted the government's efforts to reduce enforced disappearances and arbitrary executions. The Human Rights Committee expressed concern, however, regarding impunity for alleged perpetrators, which was perceived as creating fear among the general populace.

On May 23, FOCODE reported individuals in Police's Anti-Riot Brigade uniforms kidnapped Phocas Niyubuntu, one of the CNL representatives in Bururi Province. Niyubuntu's family was unable to locate him, and as of September, his whereabouts were unknown.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, AND OTHER RELATED ABUSES

The constitution and law prohibited cruel, inhuman, or degrading treatment or punishment, but there were numerous reports government officials employed these practices. NGOs and media reported cases of abuse they described as torture committed by security services or members of the Imbonerakure. As of August 31, Ligue Iteka reported 25 such cases, down from 38 the previous year, attributing 19 to members of the Imbonerakure, two to police, and four to the SNR. Human rights organizations reported numerous cases of torture against detainees at SNR headquarters in Bujumbura, as well as in unofficial detention centers in Bujumbura and other provinces. According to human rights organizations and media reports, the SNR tortured their victims to extract confessions or other information, or to compel them to incriminate or denounce others. The UN Committee Against Torture reported authorities had not opened investigations into any cases referred to the committee since 2017.

There were some reports of investigations and prosecutions for serious abuses of human rights, although limited enforcement meant impunity in the security forces, including the Imbonerakure, the SNR, and police remained a problem. Media and human rights organizations reported local administrators and CNDD-FDD members being held accountable before the justice system. Furthermore, CNDD-FDD leadership reportedly instructed the Imbonerakure to take responsibility for their own criminal actions, indicating the party would not protect them. Impunity remained, however, and even though the government touted accountability as its priority, it was only selectively applied.

Media reported the arrest of Imbonerakure member Claude Niyonzima in Bubanza Province on October 31, on charges of attempted murder. Media sources indicated that Niyonzima threatened to pull the pin out of a grenade in order to kill a group of individuals with whom he was in conflict; Niyonzima claimed he was "untouchable" given his position as a province-level leader of the Imbonerakure. The local administrator ordered Niyonzima's arrest. As of December, he was detained in solitary confinement at the Bubanza police station.

Ligue Iteka reported that Imbonerakure members beat and tortured five members of the CNL in Ngozi commune on April 5. The report indicated the group of Imbonerakure acted on the orders of Ngozi commune local administrator Joseph Martin Bucumi.

There were reports that members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community were threatened, beaten, and arrested by local administrators and other citizens with the support of security forces.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to gross overcrowding, inadequate sanitary conditions, and physical abuse among fellow prisoners. There were reports of lack of adequate medical treatment and prolonged solitary confinement in prisons and detention centers. Conditions

in detention centers managed by the SNR and in communal jails managed by police generally were worse than in prisons.

Abusive Physical Conditions: Gross overcrowding was a severe problem in eight of 11 prisons. The Ministry of Justice's Office of Penitentiary Affairs reported that, as of August, there were 12,214 inmates, including 5,796 pretrial detainees, held in 11 prisons and two juvenile rehabilitation facilities, the majority of which were built before 1965, with a designed capacity of 4,294 inmates.

Prisons did not have adequate sanitation systems (toilets and bathing facilities), drinking water, ventilation, or lighting, and these conditions were especially acute in the Muramvya and Mpimba prisons. According to government officials and international human rights observers, many prisoners suffered from intestinal illnesses and malaria. Medical care was primarily limited to analgesics and other basic medications. There were reports of shortages of medicines in prison clinics. Each prison was required to employ at least one qualified nurse and received at least one weekly visit by a doctor, but prisoners did not always receive prompt access to medical care. Inmates with serious medical conditions were sent to local hospitals. NGO ACAT-Burundi reported that prisoners, particularly those held on politically motivated charges, had difficulty obtaining permission to seek treatment in hospitals outside the prisons, and those who did were discharged before they had fully recovered.

For example, media reported that on August 24, Mevain Shurveryimana passed away as a result of inadequate medical care while in detention following his February 22 arrest on charges of homosexuality and incitement to debauchery. Prosecutor Félicité Nishemezwe denied doctors' urgent requests to transfer him to a specialist in Bujumbura as early as August 9. Despite being acquitted on August 22, Shurveryimana remained in custody even after falling into a coma on August 23. He died the next morning.

Each inmate received daily rations of approximately 12 ounces of cassava, 12 ounces of beans, and, on some days, oil and salt. Authorities expected family and friends to provide any additional food as well as some costs associated with medical care. ACAT-Burundi and other organizations reported recurring food shortages in prisons.

Media and several other organizations also reported prisoner-run bodies harassed, tortured, and in some instances killed prisoners held on politically motivated charges, with the support or under the orders of the prisons' administration.

Administration: Prison authorities allowed prisoners to submit complaints to judicial authorities without censorship, but authorities rarely investigated the complaints. Anonymous complaints passed to authorities by independent monitors were sometimes addressed. There were reports of mistreatment of prisoners, such as physical abuse and long stays in solitary confinement, but no record that any abusers were held to account or punished.

Independent Monitoring: The government permitted monitoring by some independent nongovernmental observers to most prisoners but prevented access in some cases to potential political prisoners.

The government permitted visits requested by the quasi-governmental National Independent Commission on Human Rights (CNIDH). Monitors visited prisons, communal jails, and known SNR detention centers regularly. Several organizations also reported the SNR maintained clandestine detention facilities to which no independent monitors were granted access. Authorities generally provided the CNIDH unhindered access to prisoners held in official detention facilities, including those considered to be political prisoners. The International Committee of the Red Cross, however, which had previously been granted unfettered access to prisons and detention centers, suspended its monitoring operations and all detention-related activities, due to problems in implementing its standard procedures.

D. ARBITRARY ARREST OR DETENTION

The constitution and law prohibited arbitrary arrest and detention and provided for the right of persons to challenge the lawfulness of their arrest and detention, but the government did not observe these requirements.

Arrest Procedures and Treatment of Detainees

Arrests required warrants issued by a presiding magistrate, although police were able to arrest a person without a warrant by notifying a police supervisor in advance. Police had seven days to finish an investigation and present evidence before a magistrate but could request a seven-day extension for additional investigation. Police often did not respect these provisions.

According to the law, a magistrate had to either order the release of suspects or confirm the evidence was sufficient for continued detention, initially for 14 days, and then for an additional seven days if required to prepare a case for trial. Magistrates routinely failed to convene preliminary hearings, often citing heavy case backlogs or improper documentation by police. Authorities acknowledged the legal system struggled to process cases in a timely fashion and that lengthy pretrial detentions were common.

Lack of transportation for suspects, police, and magistrates was a frequently cited reason for the failure to convene preliminary hearings. This remained a problem in the eight provinces without prisons, where lack of transport prevented the transfer of suspects from the site of detention to the provincial court with jurisdiction over their cases.

Judges could release suspects on bail but rarely did so. They often released suspects on their own recognizance, however. Suspects could hire lawyers at their own expense in criminal cases. The law did not require legal representation and the government did not provide attorneys for those unable to afford one. Detainees who were unable to pay for a lawyer were rarely able to access legal counsel.

Some suspects were detained incommunicado. The SNR denied lawyers access to detainees held at its headquarters in Bujumbura, and there was no known access to the SNR's clandestine detention facilities.

Arbitrary Arrest: The law provided for a token fine and imprisonment for 15 days to one year for any member of the security forces found guilty of involvement in an arbitrary arrest. There were no reports this law was applied.

Human rights groups reported numerous arbitrary arrests and detentions. Ligue Iteka reported authorities targeted members of the CNL and their supporters for their involvement in legitimate political activities. Media also reported arrests of individuals refusing to participate in government activities such as parades in honor of the first lady or other festivities.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. By law authorities could not hold a person longer than 14 days without charge. Authorities held some suspects without formal charges. According to the Office of Penitentiary Affairs, the average time in pretrial detention was approximately one year, but some individuals remained in pretrial detention for nearly five years. In some cases, the length of detention equaled or exceeded the sentence for the alleged crime. Inefficiency and corruption among police, prosecutors, and judicial officials contributed to the problem. For example, authorities deprived many persons of their legal right to be released on their own recognizance because public prosecutors failed to open case files or the files were lost.

E. DENIAL OF FAIR PUBLIC TRIAL

The constitution and law provided for an independent judiciary, but the government generally did not respect judicial independence or impartiality. Serious irregularities undermined the fairness and credibility of trials, and in some instances, the outcomes of trials appeared predetermined by the government and powerful members of the ruling party. There were reports of authorities who intimidated, bribed, or influenced members of the judiciary to drop investigations and prosecutions. Prosecutors and members of the security services sometimes ignored court orders for the release of detainees after judges had determined there were no legal grounds for holding them.

Media reported that on August 16, the Bururi public prosecutor ordered the arrest of three judges who presided over a high-profile case involving machete attacks in Bururi Province. During a preliminary hearing for 15 alleged perpetrators of the attacks, the panel of three judges adjourned the hearing after ruling there was insufficient evidence to hold eight of the 15 in custody; the judges noted the only evidence against the 15 was the testimony of one of the other defendants, who recanted his statement during the hearing. The defendant claimed he had been tortured in SNR custody and pressured to implicate the eight, whose names were provided to him by the SNR. Shortly after their ruling to adjourn the hearing, the three judges were arrested and charged with complicity in undermining internal security. As of September, the judges were still detained.

Trial Procedures

The law provided for the right to a fair and public trial, but the judiciary generally did not enforce this right. Panels of judges conducted all trials in public. Military trials generally were open to the public but could be closed for reasons of national security or in cases where publicity might harm the survivor or a third party, such as in cases of rape or child abuse. Defendants had the right to prompt and detailed information on the charges and free language interpretation, if needed, from the moment of being charged throughout the entirety of the appeals process, if necessary, although these rights were rarely respected. Defendants had the right to a fair trial without undue delay and to adequate time and facilities to prepare a defense, although this often did not occur. Defendants had a right to counsel but not at the government's expense, even in cases involving serious criminal charges. Few defendants had legal representation because few could afford the services of a lawyer. Some local and international NGOs provided legal assistance to defendants. Defendants had the right not to be compelled to testify or confess guilt, although there were reports some detainees experienced torture designed to coerce testimonies. Judges reportedly used confessions obtained under torture as a basis for convicting defendants. Media reported a growing number of cases of expedited trials that raised concerns regarding their fairness, since the defendants did not have time to prepare. Such practices appeared to be particularly common in cases involving opposition party members.

All defendants, except those in military courts, had the right to appeal their cases to the Supreme Court. Defendants in military courts were entitled to only one appeal. The inefficiency of the court system extended the appeals process for long periods, in many cases for more than a year.

While many of the aforementioned rights were frequently not granted, no rights were systematically denied to persons from specific groups.

Political Prisoners and Detainees

No verifiable statistics were available on the number of political prisoners or detainees; estimates by human rights groups ranged in the hundreds. The government denied incarcerating persons for political reasons, citing instead acts against state security, participation in a rebellion, or inciting insurrection. Human rights groups stated that these charges were often a pretext for repressing human rights defenders and members of opposition parties. Throughout the year, there were regular arrests and detentions of members of opposition parties, mainly from CNL, but also from other parties such as the Union for National Progress party. In his September report, the UN Special Rapporteur expressed concern regarding hundreds of members of the Movement of Solidarity and Democracy and CNL who were acquitted or served their sentences but remained in detention.

Others, mainly young men, were arrested or detained under suspicion of having cooperated with armed rebel groups. In many cases, political prisoners remained in prolonged pretrial detention, while other prisoners were released without explanation or, more frequently, after paying a fine. The government permitted visits requested by CNIDH, including to detainees whom human rights groups considered to be political prisoners. Monitors visited known prisons, communal jails, and known SNR detention centers regularly. CNIDH generally had complete and unhindered access to prisoners held in known detention facilities but were unable to access clandestine SNR detention sites.

On February 12, the SNR arrested five human rights activists (Audace Havyarimana, Sylvana Inamahoro, Sonia Ndikumasabo, Marie Emerusabe, and Prosper Runyange) while they were attempting to travel to Kampala for a meeting with civil society organizations. In their April 27 trial, Ndikumasabo, Emerusabe, and Runyange were found not guilty of all charges while Havyarimana and Inamahoro were convicted of rebellion and given a one-year suspended sentence since their organization did not receive a *prise d'acte*, a document the minister of interior issues to confirm the NGO was fully registered. On May 25, the prosecutor appealed the court decision. As of December, no trial date was set. International human rights organizations also believed the arrest of the five human rights activists was retaliation for their partnership with and funding from international organizations; international observers further believed the arrests were intended to obstruct the NGOs' work and to discourage other activists from undertaking similar activities.

F. TRANSNATIONAL REPRESSION

The government attempted to intimidate or exact reprisal against members of diaspora populations by exerting bilateral pressure on another country.

Bilateral Pressure: There were reports the government for politically motivated purposes attempted to exert bilateral pressure on another country aimed at having it take adverse action against specific individuals. As a condition of normalizing bilateral relations with Rwanda, authorities demanded the extradition of individuals alleged to be responsible for the 2015 attempted coup who sought refuge in Rwanda that year.

G. PROPERTY SEIZURE AND RESTITUTION

Not applicable.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The constitution and law provided for the right to privacy and required search warrants, but there were reports that the government failed to respect these prohibitions. The law provided for warrantless searches when security services suspected acts of terrorism, fraud, trafficking in persons, illegal possession of weapons, trafficking in or consumption of drugs, or "infractions of a sexual nature." The law required security services to provide advance notice of warrantless searches to prosecutorial officials but did not require prosecutors' approval. Police, SNR agents, and Imbonerakure members – sometimes acting as mixed security committees – set up roadblocks and conducted general vehicle inspections and searches. Members of the security forces also sought bribes in many instances, either during searches or in lieu of a search. They conducted search-and-seizure operations throughout the year without judicial or other appropriate authorization.

Media and human rights organizations reported police arrested and threatened family members of suspects they were unable to find to arrest.

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The constitution and law provided for freedom of expression, including for members of the press and other media, but prohibited certain types of expression. Restrictions imposed in 2015 generally continued and were applied to all press outlets.

Freedom of Expression: The law prohibited “defamatory” speech regarding the president and other senior officials, material deemed to endanger national security, and racially or ethnically motivated hate speech. It was illegal for anyone to display drawings, posters, photographs, or other items that might “disturb the public peace.” Penalties for disturbing the public peace ranged from two months’ to three years’ imprisonment, as well as fines.

Many members of the Imbonerakure collaborated with government security forces to inhibit freedom of expression. In some cases, they were official members of mixed security councils, which consisted of police, local administration officials, and civilians.

Violence and Harassment: Journalists reported harassment and intimidation by the security services and government officials designed to prevent them from doing their work independently or covering sensitive topics. Some journalists were required to obtain permission from authorities prior to conducting domestic, and in some cases international, travel. Forces allied to the CNDD-FDD repressed media perceived as sympathetic to opposition parties, including print and radio journalists, through harassment, intimidation, and violence. Most independent journalists fled the country during and after the political crisis and crackdown in 2015, and some remained in exile as of the end of the year. The government detained or summoned for questioning local journalists investigating subjects such as human rights abuses, corruption, or security incidents.

In July, Minister of Interior Martin Niteretse prevented journalists from reporting on a meeting he had with provincial governors and police officers. According to media reports, during the meeting, Niteretse angrily made allegations regarding governors’ involvement in corruption and other crimes. To avoid publication of his comments, Niteretse ordered journalists to leave the room, instructing them to delete all recordings and not to publish anything from that session. The Ministry of Interior’s spokesperson made a list of all the invited journalists and their respective outlets. Journalists believed the list would be used to carry out reprisals, should anything from the meeting be published.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The government censored media content through restrictive press regulations established by the National Communications Council (CNC), an organization nominally independent but subject to political control and widely regarded as a tool of the executive branch. CNC decrees required that all journalists register annually with the body, limited the access granted to international journalists, and established content restrictions on the products disseminated by outlets. The CNC continued to monitor the press closely. The CNC regulated both print and broadcast media, controlled journalists’ accreditation, and enforced compliance with media laws. The president appointed all 15 CNC members, who were mainly government representatives and journalists from the state broadcaster.

There were reports that journalists were required to obtain permission from local administrations and in some instances gain clearance in order to release their articles. Broadly interpreted laws against libel, hate speech, endangering state security, and treason also fostered self-censorship,

including by journalists working for the national broadcaster. Observers reported most journalists working in the country exercised a degree of self-censorship or declined to cover topics labelled as sensitive, including high-level corruption, human rights abuses by government security forces or the Imbonerakure, and other subjects seen as critical of the government.

Several journalists stated they were generally freer in their reporting online, particularly when posting in French or English rather than in local languages, than they were via radio and other media more closely controlled by the government. Two radio stations closed in 2015 continued to broadcast radio segments abroad and publish articles online.

Libel/Slander Laws: The law protected public servants and the president against “words, gestures, threats, or writing of any kind” that was “abusive or defamatory” or would “impair the dignity of or respect for their office.” The law prohibited the public distribution of information that exposed a person to “public contempt” and provided penalties of imprisonment and fines for violations. The penalty for being convicted of insulting the head of state was six months to five years in prison and a token fine. Some journalists and leaders of political parties and civil society stated that the government used the law to intimidate and harass them. Former Prime Minister Alain-Guillaume Bunyoni was arrested in April on charges of tarnishing the reputation of heads of state, as well as other charges. On December 8, he was convicted on all charges and sentenced to life in prison.

On August 16, media reported police arrested Léonidas Birizanye, permanent secretary to the communal administrator of Ntega Commune in Kirundo Province, for posting President Ndayishimiye’s message about “lazy leaders” hindering the development of the country on social media. In an expedited trial held on August 24, the prosecutor charged Birizanye with defamation and requested a five-year prison sentence. He was released in September; however, as of December, the court had announced no ruling in the case.

National Security: The law required journalists to reveal sources in some circumstances and prohibited the publication of articles deemed to undermine national security. Conviction of treason, which included knowingly demoralizing the military or the country in a manner that endangered national defense during a time of war, carried a penalty of life imprisonment. It was a crime for anyone knowingly to disseminate or publicize rumors likely to alarm or excite the public against the government or to promote civil war.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content except for the website of media outlet Radio Publique Africaine. Direct access to Radio Publique Africaine’s website from within the country remained blocked; readers were able to access the website from abroad or by using a virtual private network.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The government limited freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution and law provided for freedom of peaceful assembly, but the government did not always respect these rights. The law required political parties and large groups to notify the government in advance of a public meeting and at least four days prior to a proposed demonstration. There were reports that opposition parties, primarily the CNL, were prevented from organizing activities, including anniversary celebrations, meetings, and other public gatherings.

Freedom of Association

The constitution provided for freedom of association within the confines of the law, but the government severely restricted this right.

A law required that international NGOs deposit a portion of their country budgets at the Bank of the Republic of Burundi and that they develop and implement plans to attain ethnic and gender balances in the recruitment of local personnel. The law contained several clauses giving the government considerable control regarding NGOs' recruitment and programming. A special commission set up by the Senate in 2021 investigated the ethnic makeup of international NGOs and state-owned enterprises, a practice the government indicated was required by the constitution. Some ministries pressured international NGOs during the year to provide information on the ethnicity and identity of international NGO employees. Some international NGOs expressed concern that the ministries' intent was to exert control over hiring decisions or otherwise inappropriately influence international NGO operations. The law required NGOs to register with the Ministry of the Interior (or with provincial governments if they operated in a single province), a complex process that included approval of an organization's activities from the Ministry of the Interior and other ministries, depending on the NGO's areas of expertise. The government required registration to be renewed every two years, and there was no recourse when authorities denied registration. The law provided for the suspension or permanent closure of organizations for "disturbing public order or harming state security."

In a note dated January 30, Minister of Interior Niteretse provided new guidance to governors, ordering them to compel partners (mostly foreign diplomatic missions and NGOs) to submit their plans to relevant ministries for approval before any training could be provided. The new policy also required foreign partners to gain authorization from governors before traveling to their respective provinces. This requirement contradicted the Ministry of Foreign Affairs' policy, which stipulated that foreign missions only needed to notify the ministry prior to travel.

C. FREEDOM OF RELIGION

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

The constitution and law provided for freedom of internal movement, foreign travel, emigration, and repatriation, but the government often restricted these related rights.

In-country Movement: According to several news sources, the government enforced the use of household logbooks, *cahier* or *livret de menage*, which listed the residents and domestic workers of each household in some neighborhoods of the capital. In numerous instances, police arrested persons during neighborhood searches for not being registered in household booklets. Local governments established checkpoints on roads throughout the country on a widespread basis, officially for the collection of transit taxes on drivers and passengers. The checkpoints were often staffed by police or members of the Imbonerakure. Checkpoints were also established purportedly for security purposes. There were frequent allegations that those staffing the checkpoints sought bribes before allowing vehicles to proceed. In some instances, members of the Imbonerakure were accused of using the checkpoints to deny free movement to individuals for political reasons, such as failing to demonstrate proof of financial contributions to the ruling party's offices and activities.

Foreign Travel: In response to trafficking-in-persons concerns, the General Immigration Authority, responsible for border security and issuing travel documents, exercised increased caution before granting travel documents to target demographic groups perceived as likely targets for trafficking; these included young women and unaccompanied children. These restrictions, however, could have led to increased travel via irregular channels, creating heightened vulnerability to trafficking.

E. PROTECTION OF REFUGEES

The government generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees. The country during the year had five refugee camps. The government identified and loaned land to UNHCR for a sixth camp, to be constructed in Rutana Province.

Freedom of Movement: Although the law permitted refugees freedom of movement, refugees living in camps were required to obtain exit permits from the National Office for the Protection of Refugees and Stateless Persons in the Ministry of Interior to travel beyond their host communes. Instances of authorities refusing or limiting exit permits due to security concerns regarding collaboration between refugees and rebel groups in the DRC declined throughout the year; furthermore, the government also began more readily granting exit permits, and ceased requiring police escorts for refugees travelling to Bujumbura for resettlement interviews. There were, however, reports by refugees of favoritism regarding who received exit permits and who did not; there were also reports of refugees being briefly arrested and then returned to the camps for leaving without an exit permit.

Employment: The law granted refugees the right to work. There were reports the government imposed restrictions on refugees' ability to work after their status as refugees was official. Refugees who secured employment outside of camps did not have labor protections on par with Burundian citizens. UNHCR and others implemented some livelihood programs, such as cooperative-led sustainable year-round gardens, mushroom growing, and small-scale soap making, and encouraged refugees to initiate income-generating activities. Additionally, UNHCR worked with the World Bank to implement several programs to help refugees launch small businesses within the camps.

Durable Solutions: Continuing violence in the DRC prevented Congolese refugees from returning. Efforts begun in 2015 to resettle Congolese refugees in third countries continued.

F. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS (IDPS)

The International Organization for Migration (IOM) estimated there were 76,987 internally displaced persons in the country as of May, of whom 54 percent were children. According to the IOM, 89 percent of IDPs were displaced due to natural disasters. Some IDPs reported believing themselves to be threatened because of their perceived political sympathies. Some IDPs returned to their homes, but the majority remained in IDP sites or relocated to urban centers. The government generally permitted IDPs at identified sites to be included in programs provided by UNHCR, the IOM, and other humanitarian organizations, such as shelter, education, and legal assistance programs, and promoted their reintegration.

During the year, media reported cases of local officials forcing IDPs to leave their sites in Ruhororo Commune, Ngozi Province. According to media sources, local officials accused IDPs of causing insecurity in the region.

G. STATELESS PERSONS

According to UNHCR, an estimated 800 persons at risk of statelessness lived in the country. All had lived in the country for decades, originally arriving from Oman, and were awaiting proof of citizenship from the government of Oman. Most of those who remained at risk of statelessness had refused an offer of Burundian citizenship from the government if they could not get Omani

citizenship. Stateless persons faced limited freedom of movement because they were ineligible for driver's licenses and passports.

Section 3.

Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but the government did not respect the law.

ELECTIONS AND POLITICAL PARTICIPATION

Abuses or Irregularities in Recent Elections: National elections were widely reported to not be fair and free of abuses and irregularities.

The 2020 presidential, legislative, and communal elections were deeply flawed with irregularities that undermined the credibility of the process, including blocking independent observers. The National Independent Elections Commission imposed restrictive conditions, such as limiting movement of locally based foreign observers and rejecting African Union and UN observers. According to the 2020 UN Commission of Inquiry (COI) report, opposition parties cited irregularities during the vote tabulation process, including the expulsion of accredited party-affiliated monitors from voting stations. The international community and independent domestic organizations widely condemned the process as flawed. The CNL rejected the results of the election and filed an appeal, which the Constitutional Court dismissed.

The COI stated that opposition parties and their members, mainly the CNL, suffered serious human rights abuses in the period preceding elections. There were reports of targeted killings, kidnappings, gender-based violence, torture, and arbitrary arrests. Media remained under strict control, and journalists were unable to carry out their duties freely.

Political Parties and Political Participation: According to the law, to qualify for public campaign funding and compete in the parliamentary and presidential elections, parties needed to be “nationally based,” (i.e., ethnically and regionally diverse) and prove in writing they were organized and had membership in all provinces. The Ministry of the Interior recognized 39 political parties.

Media and human rights organizations reported abuses including extrajudicial killings, arbitrary arrests, and torture against opposition parties and political opponents, mainly CNL members, by the Imbonerakure and unidentified armed men in retaliation for political engagement and alleged involvement in armed rebel groups. Media reported the CNL was prevented from holding meetings and other activities, and their offices were ransacked or destroyed by WHO.

The constitution included restrictions on independent candidates, including a measure that prevented individuals from running as independents if they had claimed membership in a political party within the previous year or if they had occupied a leadership position in a political party within the previous two years. The constitution also provided that independent candidates for the National Assembly had to receive at least 40 percent of the vote in their district to be elected, a standard that did not apply to candidates representing political parties. The constitution's ban on coalitions for independents further constrained the options for unrecognized parties.

Individuals often needed membership in, or perceived loyalty to, the CNDD-FDD to obtain or retain employment in the civil service and the benefits that accrued from such positions, including transportation allowances; free housing, electricity, and water; exemption from personal income taxes; and interest-free loans. Media and human rights organizations reported individuals were

forced to make bribes – often with no legal basis – to support the CNDD-FDD on penalty of being denied access to public services and spaces or the issuance of administrative documents. There were reports election observers aligned with opposition parties were not allowed full access to monitor elections.

On June 6, Minister of Interior Niteretse suspended all CNL political activities, including party meetings, citing a long-standing internal conflict within the CNL's party leadership that Niteretse claimed could lead to violence. Prior to that, he canceled two party congresses on the same grounds before eventually allowing each to be rescheduled after concessions were made. As of December, all CNL activities remained suspended in all provinces.

Participation of Women and Members of Marginalized or Vulnerable Groups: Women were not well represented in political parties. Some observers believed that tradition and cultural factors, primarily cultural perceptions that women politicians were neglectful of their families and sexually promiscuous with their male counterparts, discouraged women from participating in politics on an equal basis with men.

The constitution provided for representation in all elected and appointed government positions for the two largest ethnic groups. The Hutu majority was entitled to no more than 60 percent of government positions and the Tutsi minority to no less than 40 percent; however, a Ligue Iteka report published in August indicated the ethnic quota was not respected in many public institutions. The law designated three seats in each chamber of parliament for the indigenous Twa, who made up approximately 1 percent of the population.

Section 4.

Corruption in Government

The law provided criminal penalties for official corruption, but the government did not implement the law effectively. There were numerous reports of government corruption during the year.

Corruption: The public widely viewed police to be corrupt, and petty corruption involving police was commonplace. There were numerous allegations of corruption in the government, including incidents related to the lack of transparency of budget revenue involving gasoline importation; trading in influence and abuse of office or power; mismanagement of public tenders and contracts, including in the health and mining sectors; misappropriation of public funds; customs fraud; and the appropriation of the country's limited foreign currency reserves to finance imports. In its April report, the anti-corruption watchdog OLUCOME (Observatory for the Fight Against Corruption and Economic Embezzlement) pointed out that anti-corruption activists faced numerous challenges which impacted the fight against corruption in the country. According to OLUCOME, the hostile political environment, government interference in NGO activities, intimidation, and harassment of activists prompted NGOs to reduce or shut down activities, while others chose to shift to less dangerous sectors.

Authorities undertook anti-corruption initiatives, including dismissing, arresting, and in some instances prosecuting local officials and CNDD-FDD members involved in corruption and related activities. The Ministry of Interior was charged with leading anti-corruption efforts as part of President Ndayishimiye's anti-corruption campaign. The ministry continued a "zero tolerance toward corruption" campaign and kept suggestion boxes in all commune offices and government ministries to allow the population to report corrupt activities. The minister of interior also maintained a toll-free telephone number to allow citizens to report corruption and malpractice.

In April, former Prime Minister Alain Guillaume Bunyoni was arrested on charges of undermining the internal security of the country, damaging the national economy, and abuse of power for improper interests, among other charges. On December 8, Bunyoni was convicted on all charges and sentenced to life in prison, as well as seizure of his assets by the state.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups struggled to operate in the face of governmental restrictions, harassment, and repression, and government officials were rarely cooperative or responsive to their views (see also section 2.b, Freedom of Association).

Numerous NGOs, especially those that focused on human rights, were banned or suspended during 2015-17. Some of the international NGOs requested reinstatement since that time; those who requested it were reinstated. President Ndayishimiye invited all citizens in exile to return to the country, but as of September no local organization had applied for reinstatement. Ligue Iteka and other organizations continued to monitor the human rights situation from abroad. Members of both recognized and unrecognized organizations reported being subjected to harassment and intimidation and took measures to protect the identities of their employees and sources. Some international human rights NGOs reported requesting authorities allow them to visit the country, but authorities failed to respond to their inquiries.

Retribution against Human Rights Defenders: Media and other organizations reported human rights defenders who remained in the country were subjected to threats, intimidation, and arrest. On March 30, police attempted to stop the launch of an OLUCOME workshop held on recovery of embezzled public funds even though OLUCOME had all necessary authorizations. OLUCOME's president contacted government officials and a few hours later, the event was allowed to take place. Journalists were instructed not to publish any photographs or videos concerning the incident.

The United Nations or Other International Bodies: The government generally barred UN or other international bodies focused on human rights access to the country and refused to cooperate with such mechanisms.

In October 2021, the UN Human Rights Council adopted a resolution approving a special rapporteur to replace the COI as the mechanism for monitoring and reporting on human rights in the country. Authorities refused to cooperate with the special rapporteur, including providing access to the country. Having not been allowed to visit the country, the special rapporteur relied on secondhand information. In July, the country's ambassador to the UN Human Rights Council reiterated that, "Burundi does not recognize the special rapporteur mandate considering that it was put in place by a manipulated Council for unknown objectives."

Government Human Rights Bodies: Parties to the Arusha Peace and Reconciliation Agreement of 2000 committed to the establishment of an international criminal tribunal, which had yet to be implemented, and a national Truth and Reconciliation Commission (TRC), which was adopted into law in 2014. The TRC gathered testimony and conducted outreach activities under its mandate to investigate and establish the truth regarding serious human rights and international humanitarian law abuses committed in the country. The TRC was also mandated to establish the responsibilities of state institutions, individuals, and private groups.

NGOs and opposition party figures raised concerns that the TRC was deliberately focusing on the events of 1972 to favor a historical narrative advanced by many of the Hutu ethnic group. NGOs also raised concerns that in view of continued human rights abuses, political tensions, a climate of fear and intimidation, fears of retribution for testimony, and restrictions on freedom of expression, conditions were not conducive for an impartial or effective transitional justice process. NGOs cited concerns that the participation of ruling party members in deposition-gathering teams could reduce

the willingness of some citizens to testify or share fully their stories. NGOs indicated some of the TRC commissioners represented the interests of the ruling party and were not impartial, and that a lack of qualified experts adversely affected the TRC's ability to operate. During the year, the TRC launched a new series of investigations into human rights abuses that occurred during 1972, although it already presented its full report to the National Assembly and Senate in 2021.

The Office of the Ombudsman had a mandate to investigate complaints regarding human rights abuses committed by civil servants, the judiciary, local authorities, public institutions, and any other public entities. The office was also focused on the establishment of community mediation and conflict prevention mechanisms.

The CNIDH, a nominally independent governmental body charged with investigating human rights abuses, exercised its power to summon senior officials, request information, and order corrective action. In February the CNIDH released its annual report to the National Assembly, highlighting what it termed significant progress in the human rights situation and satisfactory political climate. The report noted President Ndayishimiye's initiatives to prosecute and punish criminals, and promotion of peaceful cohabitation between political parties. The commission's report also praised the government's efforts in voluntary repatriation and social reintegration of former refugees. The report noted 16 documented cases of abuses of the right to life, seven allegations of enforced disappearance, four cases of torture, 76 cases of arbitrary detention, and 44 cases relating to violations of due process, fewer than those reported by NGOs.

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: The law prohibited rape against women and men, including spousal rape, with penalties of up to 30 years' imprisonment. The law prohibited domestic abuse of a spouse, with punishment ranging from fines to three to five years' imprisonment. The government did not enforce the law uniformly, and rape and other domestic and sexual violence were serious problems. Media reported high levels cases of domestic violence culminating in killings, as well as many cases of rape in schools.

The National Police's Unit for the Protection of Minors and Morals was responsible for investigating cases of sexual violence and rape as well as those involving the trafficking of girls and women. The government-operated Humura Center in Gitega and integrated centers in Makamba, Muyinga, and Cibitoke Provinces provided a full range of services, including legal, medical, and psychosocial services, to survivors of domestic and sexual violence.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment, including the use of threats of physical violence or psychological pressure to obtain sexual favors. The government did not actively enforce the law. There were reports of sexual harassment but no data available on its frequency or extent and no evidence of arrests made under sexual harassment laws.

Discrimination: The law provided for equal status for women and men, including under family, labor, property, and nationality. Women faced legal, economic, and societal discrimination, including regarding inheritance and marital property laws. Traditional practices controlled distribution of assets in favor of men and boys. A woman did not inherit her father's land and was expected to work on and benefit from the land of her husband.

By law women were to receive the same pay as men for the same work, but the government did not effectively enforce the law. Some employers suspended the salaries of women on maternity leave, and others refused medical coverage to married women employees. The government did not enforce antidiscrimination laws effectively.

The law required unmarried couples who cohabited to legalize their relationships through church or state registrations.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided free prenatal and postpartum services. The contraceptive prevalence rate was 29 percent. Health clinics and NGOs freely disseminated information on family planning under the guidance of the Ministry of Public Health. Faith-based clinics promoted the use of traditional family planning methods. Men often made the final decisions regarding family planning.

The government provided access to sexual and reproductive health services including emergency contraception for survivors of sexual violence.

The *2016-2017 Demographic and Health Survey* estimated the maternal mortality rate at 548 per 100,000 live births. According to the Ministry of Health, severe bleeding, infections, high blood pressure during pregnancy, complications during delivery, and unsafe abortions were the leading causes of maternal mortality. Other causes included effects from disease, such as malaria, or were related to chronic conditions such as heart disease and diabetes. Mothers and pregnant women suffered from lack of access to adequate medical care, particularly in rural areas.

The adolescent birth rate was 54 per 1,000 in 2019. Leading causes of high adolescent birth rates included high rates of poverty and widespread lack of reproductive health education.

There were reports of social and cultural barriers related to menstruation and access to menstruation hygiene that impacted women and girls' ability to participate equally in society, including limits on girls' access to education. Human rights organizations reported lack of knowledge led to misconceptions, taboos, and negative cultural and social norms around menstruation. As a result, women and girls experienced negative health consequences and higher rates of school absenteeism and poor educational outcomes. Additionally, menstruation stigma prevented women and girls from seeking treatment for menstruation-related disorders or pain. They also refrained from taking certain jobs or were not able to work because of menstruation stigma. Ministry of Education policy required pregnant girls to stop attending classes until one year after they gave birth or if they provided medical records showing the pregnancy ended.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

The constitution provided that all citizens were equal in worth and dignity and that all citizens enjoy the same rights and were entitled to the same protections under the law. No citizens could be excluded from social, economic, or political life of the country based on their race, language, religion, or ethnic origin. In addition, the constitution provided for representation in all elected and appointed government positions for the two largest ethnic groups, as well as representation in parliament for the indigenous Twa. The government did not enforce the laws effectively.

INDIGENOUS PEOPLES

The indigenous Twa numbered an estimated 80,000, less than 1 percent of the population, according to a 2008 government census, although NGO estimates ranged widely. They generally remained economically, politically, and socially marginalized, although the government did not discriminate in its legal recognition of the Twa. Twa communities collectively made decisions affecting their lands, culture, and traditions, without outside interference.

By law, local administrations had to provide free schoolbooks and health care for all Twa children. Local administrations largely fulfilled these requirements, but there were reports of disproportionate lack of access to education for Twa children because they lacked civil documents required to enroll in school.

Members of the Twa, who in many cases lacked official documentation, were often excluded from opportunities in the formal economy.

CHILDREN

Birth Registration: Unregistered children did not have access to some public services, including free health care for children younger than five and free access to basic education, according to UNICEF.

Education: Girls suffered from lower school enrollment rates and higher dropout rates. Contributing factors included cultural norms that favored boys obtaining education and girls engaging in domestic and agricultural work at home, preparing for marriage, and early pregnancies.

Child Abuse: The law prohibited violence against or abuse of children, but child abuse was a widespread problem.

Child, Early, and Forced Marriage: The legal age for marriage was 18 for girls and 21 for boys. Forced marriages were illegal, and the government generally enforced the law. Nevertheless, forced marriages reportedly occurred with frequency mainly due to economic pressures and early or unwanted pregnancy.

Sexual Exploitation of Children: The minimum age for consensual sex was 18. The law prohibited child sex trafficking and child pornography. There were no prosecutions during the year.

ANTISEMITISM

No estimate was available on the size of the Jewish population. There were no reports of antisemitic incidents.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: The law penalized consensual same-sex sexual relations by adults with up to two years in prison. On February 22, 24 individuals were arrested during an entrepreneurship training session provided by the AIDS-combating NGO, MUCO. They were charged with homosexuality and incitement to debauchery, as were two additional MUCO executive committee members later. In an August 22 ruling, five individuals were convicted on both charges and sentenced to two years' imprisonment; two others were found guilty of the homosexuality charge and sentenced to one year's imprisonment. The remaining 19 were acquitted; however, nine were kept in detention despite their acquittal, and one of those acquitted died in detention. The prosecutor appealed the verdicts for all defendants; the appeals trial took place on November 14-15. As of December, the court had provided no final ruling.

Violence and Harassment: There were reports that government agents incited, condoned, and tolerated violence against LGBTQI+ persons. LGBTQI+ persons refrained from reporting such incidents to authorities or media because of stigma, a desire to protect their identities, and concern regarding prosecution of consensual same-sex sexual relations. NGOs reported nonstate acts of violence and abuse predicated on sexual orientation or gender identity or expression. There were no reports of official actions to investigate or punish those complicit in violence and abuses by state or nonstate actors.

Discrimination: The law did not prohibit discrimination by state or nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. Members of the LGBTQI+ community faced discrimination in hiring and access to the workplace. Some NGOs highlighted that stigma and discrimination against the LGBTQI+ community was disproportionately high. According to the national education policy, LGBTQI+ identity was a ground for expulsion from school. Societal discrimination against LGBTQI+ persons was common. Anti-LGBTQI+ rhetoric was widespread, especially among politicians, who condemned homosexuality in religious terms or declared it imported from western countries. LGBTQI+ communities in the country reported many LGBTQI+ persons entered opposite-sex marriages or moved abroad due to social pressure and discrimination. On May 27, media reported two male students were expelled from high school in Kayanza Province for engaging in same-sex acts. On March 8, the country's Roman Catholic church ordered that all schools under its auspices stop working with organizations "whose teachings on sexual health violate the doctrine of the Church and Burundian culture." The order was understood to target sex education and LGBTQI+ awareness.

Availability of Legal Gender Recognition: Legal gender recognition was not available. There were reports that antifraud laws could be used against transgender and gender-diverse persons whose expressed gender did not match their legal documents.

Involuntary or Coercive Medical or Psychological Practices: Families and church groups frequently held prayer sessions intended to "convert" LGBTQI+ persons to heterosexuality.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Laws that criminalized same-sex sexual relationships effectively restricted public speech regarding LGBTQI+ topics. Organizations catering to LGBTQI+ persons did not explicitly register as such to escape prosecution. There was a limited ability to organize public events on topics of interest to LGBTQI+ persons.

PERSONS WITH DISABILITIES

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. No legislation mandated access to buildings, information, or government services for persons with disabilities.

The constitution prohibited discrimination against persons with disabilities, but the government did not promote or protect their rights. Although persons with disabilities were eligible for free health care through social programs targeting vulnerable groups, authorities did not widely publicize or provide benefits. Persons with disabilities experienced discrimination in employment. Employers often required job applicants to present a health certificate from the Ministry of Public Health stating they did not have a contagious disease and were fit to work, a practice that sometimes resulted in discrimination against persons with disabilities. The government did not provide government information and communication in accessible formats.

The government supported a center for physical therapy in Gitega and a center for social and professional inclusion in Ngozi for persons with physical disabilities. The Ministry of Education had an inclusive education department to support schools with students with disabilities through teachers' training and adequate school materials.

OTHER SOCIETAL VIOLENCE OR DISCRIMINATION

Criminals sometimes killed persons with albinism, particularly children, to use their body parts for ritual purposes. According to the chairperson of the Association of Albinos without Borders, society did not accept persons with albinism, and they often faced unemployment and isolation. He added that children with albinism often failed in school primarily due to harassment, uncorrected vision problems, and lack of support from the education sector. He also said women with albinism often were “chased out by their families because they are considered as evil beings.” Persons with albinism experienced discrimination in employment. The government took steps to improve integration of persons with albinism into society and sensitize communities to promote antidiscrimination efforts, including creation of socioeconomic integration groups of persons with albinism that offered opportunities for loans and specialized health care.

A 2021 independent study reported HIV and AIDS stigma was widespread; the most frequent manifestations of stigma included physical violence, verbal violence, marginalization, discrimination, self-stigma, fear and insecurity, and health-care provider stigma. The study noted less discrimination in the education and employment sectors.

Section 7.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The law provided for the right of workers to form and join independent unions with restrictions. A union had to have at least 50 members. The minister of labor had the authority to designate the most representative trade union in each sector. Most civil servants could unionize, but their unions had to register with the Labor Ministry, which had the authority to deny registration and require unions to provide information on the union administration. Police, the armed forces, magistrates, and foreigners working in the public could not form or join unions. Workers younger than 18 had to have the consent of their parents or guardians to join a union.

The law provided workers with a conditional right to strike after meeting strict conditions; it banned solidarity strikes. The law required parties to exhaust all other means of resolution (dialogue, conciliation, and arbitration) prior to a strike. The law also required intending strikers to represent a majority of workers and to give six days’ notice to the employer and the labor ministry, and required negotiations mediated by a mutually agreed-upon party or by the government continue during the action. Strikes and demonstrations were banned during elections. The ministry determined whether the sides met strike conditions, in effect giving it the power to prevent strikes. The law permitted requisition of essential employees in the event of strike action. The law prohibited retribution against workers participating in a legal strike.

The law recognized the right to collective bargaining, but excluded measures regarding public-sector wages that were set according to fixed scales following consultation with unions. The minister of labor designated the most representative employee organization by order. If negotiations resulted in deadlock, the minister could impose arbitration and approve or revise any agreement. No laws compelled an employer to engage in collective bargaining. The law prohibited antiunion discrimination but allowed termination of workers engaged in an illegal strike and did not specifically provide for reinstatement of workers dismissed for union activity.

The government did not effectively enforce applicable laws, and penalties were never applied against violators. Resources for inspection and remediation were inadequate, and penalties were not

commensurate with those under other laws involving denials of civil rights. Administrative and judicial procedures were subject to lengthy delays and appeals.

The government placed excessive restrictions on freedom of association and the right to collective bargaining and sometimes interfered in union activities. During a May 10 council of ministers meeting, the minister of finance requested that private companies that had hired former public servants fired from their government jobs terminate their contracts immediately, threatening to sever any business ties with the government for those who failed to do so. Most unions were public-employee unions, and virtually no private-sector workers were unionized. Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiation. The principal trade union confederations represented labor interests in collective bargaining negotiations in cooperation with individual labor unions.

Most laborers worked in the informal economy. According to the Confederation of Burundian Labor Unions, virtually no informal-sector workers had written employment contracts.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> .

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: The official minimum wages, unchanged since 1988, were below the official poverty line. Prevailing minimum wages more reflective of labor market forces were below the international poverty line.

The law limited working hours to eight hours per day and 40 hours per week, but there were many exceptions, including for workers engaged in national security, guarding residential areas, and road transport. Private security companies received guidance from the Labor Ministry allowing workweeks of 72 hours for security guards, not including training. There was no legislation on mandatory overtime, but premium pay was required for any overtime work performed. Foreign or migrant workers were subject to the same conditions and laws as citizens.

Occupational Safety and Health: The labor code established appropriate occupational safety and health (OSH) standards for the workplace, but they often were not followed. Many buildings under construction in Bujumbura, for example, had workforces without proper protective equipment, such as closed-toe shoes, and scaffolding built of wooden poles of irregular length and width.

Workers had the right to remove themselves from situations of imminent danger without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes. The Labor Inspectorate in the Ministry of Labor was responsible for enforcing the laws on minimum wages and working hours as

well as safety standards and worker health regulations. The labor inspectors' mandate was limited to the formal sector, except where international agreements extend the mandate to all employment. Inspectors had the authority to make unannounced inspections and initiate sanctions. The government did not hire sufficient inspectors to enforce compliance or allocate sufficient resources to address enforcement needs, such as that necessary for training and transportation for inspectors.

The Labor Inspectorate was responsible for enforcing the laws on minimum wages and working hours as well as safety standards and worker health regulations. Violations of safety standards were reportedly commonplace, but there were no official investigations, no cases of employers reported for violating safety standards, and no complaint reports filed with the Labor Inspectorate during the year. The government did not report data on deaths in the workplace.

Labor laws applied to the informal sector, but they were not enforced. More than 90 percent of the working population worked in the informal economy, mostly in agriculture and as domestic workers, and thus lacked access to legal protections. Violations of wage, hour and safety regulations were common, but no cases were investigated or prosecuted.

The law defined employers' obligations on occupational health and safety and mandated that employers contribute toward health insurance, including for employees in the informal sector. The labor code provided protections for laborers in the informal sector, gave labor inspectors the power to refer violations of the code to police and courts, and created the post of medical inspector of labor, who was responsible for protecting the physical and mental health of workers.